U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 18315044

Date: SEPT. 2, 2021

Appeal of Texas Service Center Decision

Form I-140, Immigrant Petition for Alien Worker (Extraordinary Ability)

The Petitioner, who works in marketing and communications, seeks classification as an individual of extraordinary ability. *See* Immigration and Nationality Act (the Act) section 203(b)(1)(A), 8 U.S.C. § 1153(b)(1)(A). This first preference classification makes immigrant visas available to those who can demonstrate their extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in their field through extensive documentation.

The Director of the Texas Service Center denied the petition, concluding that the record did not establish that the Petitioner had satisfied at least three of ten initial evidentiary criteria, as required. The matter is now before us on appeal. In these proceedings, it is the Petitioner's burden to establish eligibility for the requested benefit. Section 291 of the Act, 8 U.S.C. § 1361. Upon *de novo* review, we will summarily dismiss the appeal.

Section 203(b)(1)(A) of the Act makes immigrant visas available to individuals with extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation.

The implementing regulation at 8 C.F.R. § 204.5(h)(3) sets forth a multi-part analysis. First, a petitioner can demonstrate international recognition of his or her achievements in the field through a one-time achievement (that is, a major, internationally recognized award), or through evidence that meets at least three of the ten criteria listed at 8 C.F.R. § 204.5(h)(3)(i)–(x) (including items such as awards, published material in certain media, and scholarly articles).

Where a petitioner meets these initial evidence requirements, we then consider the totality of the material provided in a final merits determination and assess whether the record shows sustained national or international acclaim and demonstrates that the individual is among the small percentage at the very top of the field of endeavor. *See Kazarian v. USCIS*, 596 F.3d 1115 (9th Cir. 2010).

The Petitioner claimed to satisfy seven of the ten initial regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)–(x). The Director concluded that the Petitioner met only of these criteria, pertaining to high salary or other remuneration.

The Petitioner filed the appeal on February 5, 2021. On Form I-290B, Notice of Appeal or Motion, the Petitioner indicates that she "will submit [a] brief and/or additional evidence to the AAO within 30 calendar days." To date, seven months later, the record contains no supplemental brief or evidence. Likewise, the record contains no communication from the Petitioner showing good cause to extend the time to submit such a brief as required by 8 C.F.R. § 103.3(a)(2)(vii). Therefore, we consider the record to be complete, and the appeal form to constitute the entire appeal.

An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal. 8 C.F.R. § 103.3(a)(1)(v). For the reasons discussed below, we conclude that the Petitioner has not identified specifically any erroneous conclusion of law or statement of fact.

In the denial notice, the Director devoted four pages to explaining the conclusion that the Petitioner had not met six of the seven claimed criteria, taking into account both the Petitioner's initial submission and her response to a request for evidence.

On appeal, the Petitioner summarizes each of the Director's determinations and then asserts, without elaboration, that the record does not support those determinations. For example, the Petitioner states: "Decision erroneously concludes that published material does not discuss petitioner's work despite significant evidence to the contrary contained in the record." The Petitioner also states that "the decision mis-stated the law, did not consider all evidence contained in the record and erroneously concluded that certain evidence was not probative when it was very probative."

The above assertions, and others like them, do not identify specifically any erroneous conclusion of law or statement of fact. Rather, the Petitioner makes broad, general claims that the record does not support the grounds for denial. The Petitioner refers, several times, to "significant evidence . . . in the record," but does not identify any specific evidence, or explain how that evidence overcomes the stated grounds for denial. Likewise, the Petitioner does not specify how the Director "mis-stated the law" or explain how her evidence "was very probative." The Petitioner states that she will elaborate on these points in a "brief to be filed within 30 calendar days," but, as noted above, the record contains no such brief and no evidence of its submission.

General assertions that the Director erred, and that the record supports approval of the petition, lack the specificity required by the regulation at 8 C.F.R. § 103.3(a)(1)(v).

ORDER: The appeal is summarily dismissed.